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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/365,586	07/30/1999	ARTHUR MICHAEL KELLER	AKT-101/US	1954

30869 7590 11/09/2007  
LUMEN INTELLECTUAL PROPERTY SERVICES, INC.  
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SECOND FLOOR  
PALO ALTO, CA 94306

EXAMINER
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MYHRE, JAMES W

ART UNIT	PAPER NUMBER
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3622

MAIL DATE	DELIVERY MODE
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11/09/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/365,586

**Applicant(s)**

KELLER ET AL.

**Examiner**

James W. Myhre

**Art Unit**

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Amendment*

1. This Office Action is in response to the amendment filed on October 19, 2007. The amendment cancelled Claims 5-9 and 11-72 and amended Claims 1, 3, 4, and 10. Thus, the currently pending claims considered below are Claims 1-4 and 10.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zucker et al (US 2005/0027617) in view of Gabber et al (6,591,291).

Claim 1: Zucker discloses a method for obtaining electronic purchases, comprising:

- a. registering a customer who provides a customer email address (page 1, paragraph 0015 and page 3, paragraphs 0060-0061);
- b. issuing a new pseudo identity that can be used to browse, register, purchase, pay for, and take delivery of products and services (page 1, paragraph 0015 and page 3, paragraphs 0060-0061); and

c. accepting transaction acknowledgement messages sent to the issued pseudo identity from at least one commerce retailer (page 4, paragraph 0067; page 5, paragraph 0077; and page 6, paragraphs 0101-0102).

While Zucker discloses issuing a new pseudo identity to the customer and further discloses the seller (commerce retailer) communicating with the buyer by sending a message to the third party (the pseudo identity issuer) that then processes the message for the buyer, who may then "choose to reply or respond to the message or can initiate his or her own anonymous messages to the seller" (page 8, paragraph 0121), it is not explicitly disclosed that the third party is issuing a new unique email address to the buyer into which the incoming message from the seller is received. However, Gabber discloses a method for anonymously remailing emails and further discloses that "Anonymous remailing is well known in the art" and then implements an anonymous remailer by "generating an alias source address for an electronic mail ("e-mail") message having a real source address and a destination address". The remailer then "receives e-mail addressed to the alias source address, computes the real source address, and forwards the e-mail to the real source address." (column 2, lines 6-28 and column 2, line 54—column 3, line 2). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Zucker to issue such a new pseudo e-mail address to the customer upon registration. One would have been motivated to issue a new unique pseudo e-mail address to the customer in view of Zucker's above disclosure of allowing anonymous messages to be sent between the retailer and the customer.

Claim 2: Zucker and Gabber disclose a method as in Claim 1 above, and Zucker further discloses storing the transaction email in a transaction database (accessible by both the customer and retailer)(page 4, paragraph 0067; page 5, paragraph 0077; and page 6, paragraphs 0101-0102).

Claim 3: Zucker and Gabber disclose a method as in Claim 1 above, and both references further disclose forwarding the transaction email to the customer's provided email address (Zucker: page 6, paragraphs 0101-0102 and page 8, paragraph 0121) (Gabber: column 2, line 66 - column 3, line 31 and column 3, line 66 - column 4, line 2).

Claim 4: Zucker and Gabber disclose a method as in Claim 2 above, and Zucker further discloses providing a transaction record to the customer via a website (page 6, paragraphs 0101-0102).

Claim 10: Zucker and Gabber disclose a method as in Claim 2 above, and Zucker further discloses the transaction acknowledgement email comprising information about the products purchased (Figure 5; page 4, paragraph 0067; and page 5, paragraph 0077).

***Response to Arguments***

4. Applicant's arguments with respect to claims 1-4 and 10 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Sutcliffe et al (5,913,212) discloses a method for providing anonymous email messaging "by assigning to each user an anonymous email address" and rerouting the emails arriving at "the PON system to the true email addresses of the users".

b. Hauser et al (6,061,789) discloses a method for secure anonymous exchange of emails in a network by using anonymous remailers that "are widely known on the global Internet".

c. Gillin et al (7,254,557) discloses a method for conducting transaction in which the cardholder (buyer) may provide an anonymous email address to the merchant that will be recognized by the issuer who will "maintain a link to the cardholder's actual e-mail address".

d. Walker et al (US 2001/0034708) discloses a method for establishing and maintaining anonymous communications by receiving and storing incoming email messages for a party who may then retrieve the email at their real email address.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James W. Myhre whose telephone number is (571) 272-6722. The examiner can normally be reached on Monday through Thursday 6:00-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

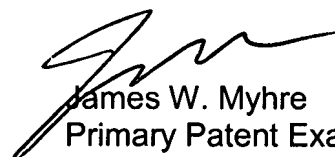
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JWM  
October 31, 2007



James W. Myhre  
Primary Patent Examiner